

By M. H. H. H.

S.B. No. 674

A BILL TO BE ENTITLED

AN ACT

relating to minimum standards for underground water regulation.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 50, Water Code, is amended by adding Section 50.060 to read as follows:

Sec. 50.060. MINIMUM STANDARDS FOR UNDERGROUND WATER REGULATION. (a) In this section:

(1) "District" means a district that is authorized to regulate the spacing of or production from water wells or to conserve or prevent waste of underground water and includes districts created under Chapters 51 and 52 of this code.

(2) "Waste" has the meaning assigned by Section 52.001(7) of this code.

(b) The commission may develop and adopt minimum standards for district regulation of spacing of or production from water wells, conservation of underground water, and prevention of waste of underground water.

(c) Not later than the 120th day after the effective date of standards or amendments to standards adopted by the commission under Subsection (b) of this section, a district affected by those standards shall adopt or amend its rules to meet or exceed the standards adopted by the commission.

(d) Each district shall enforce compliance with rules adopted to comply with the commission's minimum standards.

1       (e) If a district does not comply with Subsection (c) of  
2 this section, the commission may:

3               (1) issue an order directing the district to adopt  
4 rules that meet or exceed commission standards;

5               (2) issue an order as provided by Subsection (g) of  
6 this section; or

7               (3) issue any other order authorized by law.

8       (f) If a district fails to enforce its rules or substantial  
9 compliance with rules adopted under this section, the commission  
10 may:

11               (1) issue an order directing the district to enforce  
12 its rules;

13               (2) issue an order as provided by Subsection (g) of  
14 this section; or

15               (3) issue any other orders authorized by law.

16       (g) After a hearing held to determine whether to issue an  
17 order under Subsection (e) or (f) of this section, the commission  
18 by order may assume jurisdiction over the regulation of underground  
19 water in the district for a period of time the commission considers  
20 necessary. Also, the commission may adopt new rules for the  
21 district that the district would be authorized to adopt by law.  
22 The commission shall adopt and enforce rules under this subsection  
23 pursuant to the Administrative Procedure and Texas Register Act  
24 (Article 6252-13a, Vernon's Texas Civil Statutes).

25       SECTION 2. This Act takes effect September 1, 1987.

26       SECTION 3. The importance of this legislation and the  
27 crowded condition of the calendars in both houses create an

1 emergency and an imperative public necessity that the  
2 constitutional rule requiring bills to be read on three several  
3 days in each house be suspended, and this rule is hereby suspended.

# FILE

7087

## BILL ANALYSIS

By: Montford

S.B. 674  
Senate Committee  
on Natural Resources

### BACKGROUND:

Many groundwater districts throughout the state serve their constituents in a prudent fashion. They are characterized by a heightened public awareness of groundwater issues, including conservation and protection of the resource. However, in some regions within the state, inactive districts fail to guard the aquifers they were created to protect. Furthermore, nearby districts which are more active are precluded from regulating those areas covered by inactive districts. Additionally, some underground water conservation districts do not have the authority to regulate production.

### PURPOSE:

As proposed, S.B. 674 would authorize the commission to promulgate minimum criteria and enforcement standards for all underground water conservation districts with regard to conservation, production, and water quality.

### RULEMAKING AUTHORITY:

It is the committee's opinion that rulemaking authority is granted to the Texas Water Commission under Section 1 of this bill.

### SECTION BY SECTION ANALYSIS:

SECTION 1. Amends Chapter 50, Water Code, by adding Section 50.060, as follows:

Sec. 50.060. (a) Defines "district," and "waste." (b) Provides for Commission to adopt minimum standards for district regulation of underground water. (c) Requires a district to adopt or amend its rules to meet or exceed the standards adopted under Subsection (b) of this section within 120 days after adoption of such standards by the commission. (d) Requires each commission to enforce compliance with rules adopted to comply with the commission's minimum standards. (e) Sets forth permissible actions of the commission upon noncompliance with Subsection (c). (f) Sets forth permissible action of the commission upon noncompliance with Section 50.060. (g) Allows the commission to assume the jurisdiction of a district for a period of time as the commission deems necessary. Provides for the commission to adopt new rules for the district, and further provides for the commission to adopt and enforce rules under this subsection pursuant to the Administrative Procedure and Texas Register Act.

SECTION 2. Effective date, September 1, 1987.

SECTION 3. Emergency clause.

# LEGISLATIVE BUDGET BOARD

Austin, Texas

## FISCAL NOTE

March 26, 1987

TO: Honorable H. Tati Santiesteban, Chairman  
Committee on Natural Resources  
Senate Chamber  
Austin, Texas

In Re: Senate Bill No. 674  
By: Montford

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on Senate Bill No. 674 (relating to minimum standards for underground water regulation) this office has determined the following:

The bill provides that the Texas Water Commission may develop and adopt minimum standards for underground water conservation districts relating to the management and protection of groundwater. Affected districts would be required to adopt or amend their rules to meet or exceed the standards adopted by the Commission.

The probable cost of implementing the provisions of the bill during each of the first five years following passage is estimated as follows:

<u>Fiscal Year</u>	<u>Probable Costs Out of the General Revenue Fund</u>	<u>Probable Costs to Local Units of Government</u>	<u>Change in Number of State Employees from FY 1987</u>
1988	\$122,472	\$200,000	+ 3
1989	122,472	200,000	+ 3
1990	46,639	200,000	+ 1
1991	46,639	200,000	+ 1
1992	46,639	200,000	+ 1

Similar annual costs would continue as long as the provisions of the bill are in effect.

Source: Texas Water Commission; Texas Water Development Board;  
LBB Staff: JO, HES, JWH, JG, PA

MAR 27 10 13 AM '87  
RECEIVED  
SECRETARY OF SENATE

S. B. No.

674

By

Montford

AN ACT relating to minimum standards for underground water regulation.

3-4-87  
MAR 5 1987

Filed with the Secretary of the Senate

Read and referred to Committee on **NATURAL RESOURCES**

Reported favorably

Reported adversely, with favorable Committee Substitute; Committee Substitute read first time.

Ordered not printed

Laid before the Senate

Senate and Constitutional Rules to permit consideration suspended by:

unanimous consent

\_\_\_\_ yeas, \_\_\_\_ nays

Read second time, \_\_\_\_\_, and ordered engrossed by:

unanimous consent  
a viva voce vote

\_\_\_\_ yeas, \_\_\_\_ nays

Caption ordered amended to conform to the body of the bill.

Senate and Constitutional 3 Day Rule suspended by a vote of \_\_\_\_ yeas, \_\_\_\_ nays.

Read third time, \_\_\_\_\_, and passed by \_\_\_\_ yeas, \_\_\_\_ nays.

SECRETARY OF THE SENATE

OTHER ACTION:

Engrossed

Sent to House

Engrossing Clerk

Received from the Senate

Read first time and referred to Committee on \_\_\_\_\_

Reported favorably amended, sent to Printer at \_\_\_\_\_

Printed and Distributed \_\_\_\_\_

Sent to Committee on Calendars \_\_\_\_\_

Read Second time (amended): passed to third reading (failed)

by (Non-Record Vote) Record Vote of \_\_\_\_ yeas, \_\_\_\_ nays \_\_\_\_ present not voting.

Constitutional Rule requiring bills to be read on three several days suspended (failed to suspend) by a four-fifths vote of \_\_\_\_ yeas, \_\_\_\_ nays \_\_\_\_ present not voting.

Read third time (amended); finally passed (failed) by a (Non-Record Vote) Record Vote of

\_\_\_\_ yeas, \_\_\_\_ nays \_\_\_\_ present not voting.

Caption ordered amended to conform to body of bill.

Returned to Senate.

CHIEF CLERK OF THE HOUSE

Returned from House without amendment.

Returned from House with \_\_\_\_ amendments.

Concurred in House amendments by a viva voce vote \_\_\_\_ yeas, \_\_\_\_ nays.

\_\_\_\_\_ Refused to concur in House amendments and requested the appointment of a Conference Committee to adjust the differences.

\_\_\_\_\_ Senate conferees instructed.

\_\_\_\_\_ Senate conferees appointed: \_\_\_\_\_, Chairman; \_\_\_\_\_,  
\_\_\_\_\_, \_\_\_\_\_, and \_\_\_\_\_.

\_\_\_\_\_ House granted Senate request. House conferees appointed: \_\_\_\_\_, Chairman;  
\_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_ Conference Committee Report read and filed with the Secretary of the Senate.

\_\_\_\_\_ Conference Committee Report adopted on the part of the House by: \_\_\_\_\_

{ a viva voce vote  
\_\_\_\_\_ yeas, \_\_\_\_\_ nays

\_\_\_\_\_ Conference Committee Report adopted on the part of the Senate by: \_\_\_\_\_

{ a viva voce vote  
\_\_\_\_\_ yeas, \_\_\_\_\_ nays

**OTHER ACTION:**

\_\_\_\_\_ Recommitted to Conference Committee

\_\_\_\_\_ Conferees discharged

\_\_\_\_\_ Conference Committee Report failed of adoption by: \_\_\_\_\_

{ a viva voce vote  
\_\_\_\_\_ yeas, \_\_\_\_\_ nays